

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

G. M. M., a minor child by his mother
and natural guardian, NIKI HERNANDEZ-ADAMS,
and NIKI HERNANDEZ-ADAMS, individually,

Civil Action No. 1:13-CV-05059
JBW-SMG

Plaintiffs,

-against-

**PLAINTIFFS'
ANTICIPATED
TRIAL EXHIBITS**

MARK KIMPSON,

Defendant.

Exhibits

1. The Lease Agreement– for the Ground Floor apartment. located at 490 Macdonough Street, Brooklyn, NY 11233, between the Plaintiff, Niki Hernandez-Adams, her husband, Josue Mendez, and the Defendant, Mark Kimpson, dated May 6, 2011.
2. Affidavit of Service that deponent served with true copies of the Summons & Verified Complaint on Mark Kimpson on August 20, 2013. [Plaintiff's Exhibit 9, at Deposition conducted on 7/23/14]
3. A form entitled "Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards," dated May 6, 2011. [Plaintiff's Exhibit 1, at Deposition conducted on 7/23/14]
4. Lead-Based Paint Final Report of City Wide Lead Removal Inc., of 78 Beaver Street, Suite #200, Brooklyn, NY 11206, dated August 15, 2012, and findings of lead paint in Apt. 1, 490 Macdonough Street, Brooklyn, NY.
5. Lead Detail Report of the Lead Poisoning Prevention Program, New York City Department of Health and Mental Hygiene, dated 8/27/12, found twenty-three Violations for lead paint in the basement apartment of 490 Macdonough Street, Brooklyn, NY 11233. [Plaintiff's Exhibit 3, at Deposition conducted on 7/23/14]
6. A letter, dated September 12, 2012, by Joseph Strulovitch of BNH Lead Examiner Corp., of 199 Lee Avenue, Suite #481, Brooklyn, NY 11211, states that on

September 5, 2012, seven dust wipe samples for lead dust of Apt. 1 of 490 Macdonough Street, Brooklyn, NY, were above permissible limits established by the NYC Lead Poisoning Prevention Program. [Plaintiff's Exhibit 6, at Deposition conducted on 7/23/14]

7. A Report For Lead Dust Wipe Sample Results, dated 9/6/12, by Enviro-Probe, Inc., 108 Liberty Street, Metuchen, NJ 08840, states that they analyzed the dust wipe samples of BNH Lead Examiner Corp. taken on September 5, 2012, from Apt. 1 at 490 Macdonough Street, Brooklyn, NY, listing the seven locations where lead paint dust was found in that apartment. [Plaintiff's Exhibit 7, at Deposition conducted on 7/23/14]
8. Certified Medical Records of G.M.M. by treating pediatrician Melissa A. Waters , M.D., of Pediatric Associates of Dallas, from November 19, 2013 to April 27, 2015.
9. Certified Medical Records of G.M.M. by treating pediatrician Melissa A. Waters , M.D., of Pediatric Associates of Dallas, from October 30, 2012 to August 23, 2013.
10. Certified Medical Records of G.M.M. by treating pediatricians Amy L. Glazer, M.D. and Rachel A. Frank, M.D., of Slope Pediatrics, from August 4, 2011 to August 3, 2012.
11. Neuropsychological Report of G.M.M. by Robert M. Gordon, Psy.D., dated April 24, 2014.
12. Neuropsychological Report of G.M.M. by Robert M. Gordon, Psy.D., dated April 23, 2015.
13. Neuropsychological and Educational Evaluation Report of G.M.M. by Dominick Auciello, Psy.D., dated May 1, 2015.
14. Neurological report of G.M.M by Freddie M. Marton, M.D., dated June 26, 2014.
15. A Report of Losses Occasioned by the Disablement of G.M.M, by Kenneth W. Reagles, Ph.D., K.W. Reagles & Associates, LLC, Bridgewater Place, Suite 600, 500 Plum Street, Syracuse, NY 13204-1401, dated September 15, 2014.
16. An Appraisal of Economic Loss Resulting From Impairment of G.M.M., by Kristin K. Kucsma, M.A., and Frank D. Tinari, Ph.D., Sobel Tinari Economics Group, 112 West 34th Street, 18th Floor, New York, NY 10120, dated September 24, 2014.

17. Deposition Transcripts of Plaintiff Niki Hernandez-Adams taken on June 25, 2014 and October 1, 2014.
18. Deposition Transcripts of Joshua Mendez taken on June 25, 2014 and October 1, 2014.
19. Deposition Transcript of Defendant Mark Kimpson taken on July 23, 2014.
20. Centers for Disease Control and Prevention (CDC) report entitled "What Do Parents Need to Know to Protect Their Children," dated 12/1/2013.
21. United States Environmental Protection Agency (EPA) report entitled "Learn about Lead," dated 12/2/2013.
22. New York City Department of Health and Mental Hygiene report entitled "Lead Poisoning Prevention for Parents and Tenants," dated 8/22/2014.
23. National Toxicology Program, "NTP Monograph: Health Effects of Low-Level Lead," dated June 2012.

Plaintiffs reserve the right to include additional exhibits based upon the testimony of witnesses at trial.

Dated: New York, New York
June 15, 2015

s/ Stephen M. Cantor
Stephen M. Cantor (SC 8690)
Steven K. Frankel (SF 4428)
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